

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Ed Sisson, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of September 7, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Patricia Stroud, 825 Main Street, stated that she is a landowner within the City of Delta that has rental properties. She commented on the City's policy regarding delinquent utilities accounts staying with the property rather than the tenants.

City's Collection Policy for Delinquent Utility Bills

City Manager Joe Kerby stated that there are many landowners that are concerned about the City's current policy that Ms. Stroud just referred to. He asked City Attorney Michael Schottelkotte to review with Council the history of the policy and the legal standing for the policy.

City Attorney Michael Schottelkotte reported that this policy has been in existence since at least 1984. The only change that has been made is the inclusion of a \$5 late fee. He stated that this is policy is customary and is not unexpected. He also stated that it is not appropriate for the City to be responsible for the balances not paid.

Mr. Schottelkotte commented on the statement that was made regarding the City raising the deposit. He stated that the landowner could raise the security deposit. He also stated that this is the landowner's business, the utilities benefit the property and it has always been matters of legislative philosophy to let the debt for utilities follow the property that it benefits. He explained the practice the City has in applying the \$75 deposit to the last bill once the meters have been read for the final reading. If there is a shortfall then the balance is submitted to the landowner. Should the landowner not pay the balance then it is referred to the County Treasurer for imposition of land along with real-estate tax. If a new tenant enters the rental the City will collect the \$75 deposit from the new tenant. He stated that the policy is certainly fair and reasonable and also proper under the City's police power. He also stated that he believes that this policy is in the public interest to do things in this way.

Mr. Schottelkotte presented Council with the City of Montrose's policy which is similar to the City of Delta's.

Mayor Cooper suggested that Council not take any action on this until they have had time to properly talk with the department head to get a better understanding on how the policy works.

Councilmember Pfalzgraff stated that the ordinance is clear. He also stated that he is concerned that the landowner is asking the City to subsidize their business and the City should not be held accountable for the people they rent to.

Councilmember Jurca agreed with Councilmember Pfalzgraff.

Mr. Schottelkotte stated that the landowners have the right to file a civil suit against the tenant for the damages.

Mayor Cooper commented on the deposit for utilities comparing the amount to the City of Montrose.

Regular Meeting, Delta City Council, October 5, 2010 (Cont.)

City's Collection Policy for Delinquent Utility Bills (cont.)

Mr. Kerby stated that the deposit is for electric service only.

There was a consensus that Council not taken any action at this time.

Delta High School Request to Waive Sewer/Water Tap Fees

City Manager Joe Kerby stated that the Delta County School District is constructing restroom/concession stand facility at the Delta High School. They have requested the City waive the water and sewer tap fees. Staff brought this request to Council a few meetings back and Council instructed staff to look at if there are ways to pay for those fees. Mr. Kerby stated that he worked with the Finance Director Tod DeZeeuw and some funds were located if Council chooses to pay some or all of these fees. He also stated that he and Mike McMillan have arrived at a tentative agreement of a 50/50 split of the fees should both boards agree.

Councilmember Seuell questioned what the City's contribution would be.

Mr. Kerby stated that it would be around \$5,000.

Councilmember Sisson questioned if there were any way to get a variance to allow them to tap on to the existing building.

Utilities Director Fay Mathews reported that the code does not allow that possibility. The only exception to that is a residential garage. He explained that within the City's own system they are required to purchase new taps.

Mr. Kerby presented Council a copy of the code that Mr. Mathews was referring to.

City Attorney Michael Schottelkotte stated that there is no section in the code dealing with variances with utilities.

Councilmember Jurca commented that Council shouldn't be opening this door. He stated that he believes Council would be setting a bad precedence.

Mayor Cooper stated that the school district is a little bit different situation than if another organization were to make this type of request. She also stated that Council should take a look at this since the City is a viable part of the community as well as the School District.

Councilmember Pfalzgraff also stated that he believes that Council does need to participate with an entity that is an important part of the community.

There was discussion regarding different organizations that have made this type of request.

Mr. Kerby clarified where the funds will be coming from. These particular funds that would apply to the tap fees would not be coming from the budgeted Council donation fund. These monies would come from various unspent 2010 budgeted funds.

Councilmember Seuell commented that there would be monies exchanged in various funds rather than waiving the fees.

Mr. Kerby stated that 50% of the fees would be paid by the City by using the funds stated before that has been unspent. The other 50% of the fees will be paid by the School District.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to allocate those funds as described by the City Manager in the amount of 50% for the purpose of the Delta High School Community Restroom project. Roll call vote: Councilmembers Seuell aye, Sisson aye, Pfalzgraff aye, Jurca nay and Cooper aye. Motion carried.

Trail Grant Support Letter

Park Director Paul Suppes reported that this request is for a letter of support for a grant to the Colorado State Trail program through the Colorado State Parks and GOCO. He stated that grant is going for \$118,821. The City's match will total \$11,831 with an in-kind total of \$35,000. There is monies budgeted in the Conversation Trust fund that has been held for the last five years for this project. Staff will work on all the trails.

Regular Meeting, Delta City Council, October 5, 2010 (Cont.)

Trail Grant Support Letter (cont.)

Councilmember Pfalzgraff question when the grant needs to be submitted.

Mr. Suppes explained that it is due by November 1st, 2010.

City Manager Joe Kerby stated that a public hearing was required for this grant and asked Mr. Suppes to explain that to the Council.

Mr. Suppes explained that there was a public hearing that was advertised and that he also has to get letters of support from the community.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to approve the letter of support and authorize the Mayor to sign it to go to the Colorado State Trails Program. All in favor, motion carried.

Request for Proposals for a Future Power Supply Contract

Utilities Director Fay Mathews reported that staff has been discussing the future power supply and felt it was in the best interest for the City's rate pairs to have the City start looking at the future power supply for Delta. He explained that the City needs to have a consultant to put all the material together. Staff requested proposals and received two. After thorough review of the proposals, staff feels ERG will provide a quality product in order to facilitate selection of a purchase power provider. Both firms that responded estimated the cost to provide this service at a not to exceed price of \$25,000. ERG has recently completed this type of project for other municipalities. Mr. Mathews also reported that these monies could be taken out of the 2010 budget without submitting a supplemental appropriation.

City Manager Joe Kerby stated that the current power purchase contract does not expire until October of 2012. However, he believes that it is in the City's best interest to utilize Mr. Mathew's experiences before he retires at the end of the year. It will be likely that the City will engage in a professional services contract in 2011 to continue to help with this project.

Mr. Mathews reported that the current contract will not be in jeopardy and he doesn't feel it's too early to start the process.

Mr. Kerby stated that staff will be before Council hopefully by the middle of next year.

It was moved by Councilmember Seuell and seconded by Councilmember Sisson to enter into contract with ERG, LLC for assistance with selection of a long term purchase power supplier and authorize the City Manager to sign said contract pending review and approval of the City Attorney. All in favor, motion carried.

Site Use and Senior Community Meals Agreement

City Manager Joe Kerby presented Chris Miller to assist in discussion on this topic. He reported that this agreement with Volunteers of America (VOA) is to provide senior meal services at the senior center.

Mr. Kerby presented the following changes:

- There's a reduced footprint in terms of what VOA will be using. They no longer use the basement nor have any offices at the location.
- A new provision in the contract would allow the extension of the contract for one year terms.
- VOA will pay \$500 a month to the City towards the utilities. This provision will impact the City financially. The Senior Citizens Board has agreed to pay \$150 a month for utilities.

Councilmember Seuell questioned what the costs of utilities are.

Mr. Kerby presented a history on the utility bills over the past several months. He also provided information regarding surrounding Municipalities and what they cover.

There was discussion regarding the utility bills.

Ms. Miller reported on the hours of operation.

Regular Meeting, Delta City Council, October 5, 2010 (Cont.)

Site Use and Senior Community Meals Agreement (cont.)

Mr. Kerby also stated that there is a provision for VOA to communicate with the Senior Citizen's Board and the City on a regular basis.

Ms. Miller reported that when the transition took place with VOA the Senior Citizen's Board communication with the two seized due to VOA moving their offices to Eckert. The office spaces were being rented from the Senior Citizen's Board and that seemed to cause some friction between the two entities. She stated that in order for the service provider to do a good job there needs to be a face to face relationship with their customer. This provision will give the seniors a place to voice their concern as well as VOA to voice any concerns.

Mr. Kerby commented on the last few changes in the contract. Section 7(c) is recommended by the City Attorney. Section (d) required the City to be responsible for pest control.

Mr. Kerby stated that he has met with the Senior Citizen's Board and they are comfortable with this agreement.

Mayor Cooper commented on getting the changes budgeted in 2011.

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the site use agreement and senior community meals contract as presented and authorize the City manager to sign said agreement. All in favor, motion carried.

City Attorney Comments

There were none.

City Manager Comments

City Manager Joe Kerby requested Utilities Director Fay Mathews to present an update on the fall cleanup as well as the CFL program.

Mr. Mathews stated that the fall cleanup will begin on October 25, 2010. He presented a summary of what items will and will not be picked up.

There was discussion regarding the hazard materials.

Councilmember Pfalzgraff suggested putting something on the City's website.

Mr. Mathews also presented an update on the CFL program stating that the first of November customers will be receiving certificates to pick up 5 bulbs. He stated the grant was in the amount of \$23,000.

Mr. Kerby also requested Culture and Recreation Director Wilma Erven to present information on the Silver Sneakers program and the block party.

Mr. Erven stated that Bill Heddles Recreation Center is now certified as a Silver Sneakers Facility which means you are a Medicare recipient and you have the proper supplemental insurance you can get a free membership through the health ways program. She also invited everyone to attend the block party on October 15, 2010. She stated that this event will involve several merchants along Gunnison River Drive. They will have zumba dancing, the back will have the cash machine and there will be food for the first 200 people. The event will be 5:30pm to 7:30pm.

Mr. Kerby presented the following items:

- The flowers will be removed for winter preparations. The City is loaning some of them to the Vo-Tech for the application day.
- Staff put out a bid on health insurance and received five bids. Staff will be looking at the bids in the next couple of weeks.
- The City has changed worker's compensation carriers to Pinnacol. The savings was around \$66,000.
- The elevator at the library is not working. They are in the process of getting bids.
- The roofing project has been put on hold due to some bonding concerns.
- The river diffuser project walk through is scheduled for tomorrow.

Regular Meeting, Delta City Council, October 5, 2010 (Cont.)

City Manger Comments (cont.)

- He will be meeting with staff on a weekly basis to get updates on the truck route.
- He will be out of the office attending the Rocky Mountain Leadership Program. During his absence Glen Black will be Acting City Manager.
- On November 10, 2010 he plant to have a luncheon to get various organizations to talk about funding for the truck route.
- On October 27, 2010 Jim Hatheway and he will be attending a meeting in Montrose that they will be also talking about the truck route.

Mr. Kerby requested Community Development Director Glen Black to present information on the Community Revitalization Partnership grant.

Mr. Black stated that the City of Delta will be participating in the Community Revitalization Partnership to get a downtown assessment. He presented Council with a schedule of events for November 1st and 2nd, 2010.

Mr. Kerby stated that we could use the media's efforts in helping the City highlight this program.

Mr. Black thanked Linda Sanchez with the Chamber of Commerce and Dorothy Pew in their work in coordinating this program and getting the surveys out to our citizens and business owners.

Councilmember Comments

Councilmember Pfalzgraff commented on the work Steve Glammeyer has done with the CFL program.

The meeting was adjourned at 8:15 p.m.

Jolene E. Nelson, City Clerk